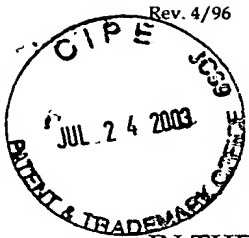


1636



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
JUL 25 2003
TECH CENTER 1600/2900

IN THE APPLICATION OF:

MICHAEL G. BRAMUCCI ET. AL.

CASE NO.: CL1709 US NA

APPLICATION NO.: 10/007527

GROUP ART UNIT: 1636

FILED: DECEMBER 05, 2001

EXAMINER: KATCHEVES, K

FOR: RHODOCOCCLUS CLONING AND EXPRESSION VECTORS

#13 A

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By Office Action dated June 25, 2003 the above-referenced application has been made subject to a requirement to restrict. The Examiner has taken the position that the application contains twelve inventions. In relevant part the Examiner finds that claims 1,2 5, 17, 20, 22-25 and 34-38 (Group I), are drawn to the isolated nucleic acid of SEQ ID NO:1, and plasmid comprising said nucleic acid and transformed bacteria, classified in class 435, subclass 252.3.

Election of claims is required under 37 CFR 1.143.

Accordingly Applicants hereby elect Group I encompassing Claims 1,2 5, 17, 20, 22-25 and 34-38 without traverse.

Please cancel claims 3, 4, 6-16, 18-19, 21, 26-33, and 39-41 as drawn to a non-elected invention.

The above Election of Claims and cancellation of Claims does not alter the inventorship of the application.

Applicants reserve the right to file a divisional application to the non-elected matter. In making this election Applicants make no representations or admissions regarding the reasoning employed by the Examiner in support of the restriction.

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on this date. 7/22/03

Mary Beth Pitcher

BEST AVAILABLE COPY

Should there be any fee due in connection with the filing of this Response To Restriction Requirement please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,



S. NEIL FELTHAM
ATTORNEY FOR APPLICANTS
Registration No.: 36,506
Telephone: (302) 992-6460
Facsimile: (302) 992-5374

Dated: July 21, 2003

BEST AVAILABLE COPY